

REMARKS

The above amendments and these remarks are responsive to the Office action dated May 5, 2006.

Prior to entry of this amendment, claims 1-8 remained pending in the application. As stated in the office action summary, claims 1 and 5-8 stand rejected under 35 U.S.C. §103(a) as being unpatentable, and claims 2, 3 and 4 are objected to. Claims 5 and 8 would be allowable if amended to correct 35 U.S.C 112 problems and to include the base claim. Claim 7 is allowable.

In the detailed action, claims 1, 4 and 6 are rejected as unpatentable over Lagasse (3851868) in view of Austgen (3420193) and Chen (6296038). Applicants respectfully traverse the rejection, and assert that the rejected claims are not obvious in view of the cited art.

Nevertheless, to expedite prosecution of the present application to issuance of a patent and to more particularly point out selected aspects of the claims, applicants have cancelled claims 1-8 and new claims 9-26 have been added. Applicants reserve the right to pursue any of the canceled claims in their original forms at a later time.

Furthermore, applicants have presented arguments showing that claims 9-26 are not obvious in view of the cited art. Accordingly, in view of the foregoing arguments and the following remarks, applicants respectfully request reconsideration of the application and allowance of the pending claims.

Rejections under 35 USC § 112

Language objected to by the Examiner were in claims 5 and 8, both of which have been cancelled.

Rejections under 35 USC § 103

As noted above, claims 1, 4 and 6 are rejected as unpatentable over Lagasse (3851868) in view of Austgen (3420193) and Chen (6296038). Lagasse teaches a door frame spreader with two pieces slidably connected to provide a scale of spacing widths for door frames. Austgen teaches a cargo support for flat bed rail cars. The cargo support includes two hinged elongate members and a standoff to receive the hinge structure. Chen describes a folding door with multiple hinged members.

New claim 9 recites:

A frame alignment system comprising:

- a frame to be positioned in a wall opening, the frame including horizontal components and two spaced apart vertical components;
- and

- a spreader with folded and unfolded positions defining at least one **spreader distance** for the two vertical frame members, the spreader including:

- a plurality of members, the summed lengths of unfolded members defining the at least one spreader distance;

- at least one hinge to pivotally join each member to at least one other member; and

- at least two member end portions configured to contact the vertical frame members and receive surface features of the vertical frame components.

The Examiner indicates that the spreader members of Lagasse are not hinged together and it is not clear to the applicants the motivation to combine the spreader taught by Lagasse with the hinged members of the sliding door of Chen.

Lagasse teaches “the door buck spreader to be self supporting.” With magnets engaging a metal door frame, the frame members can be positioned with the spreader

raised off the floor. "Self-supporting" is one of the first words in the abstract of the patent. But using the hinge taught by Chen would prevent the spreader from being self supporting. The sliding and overlapping members taught by Lagasse are inherently strong in bending. In contrast, any kind of hinge will buckle or tend to sag unless members are reconfigured and resized significantly. Lagasse therefore would not be improved by, and teaches away from using a hinge.

Neither Lagasse nor Austgen nor Chen teaches any defined spreader distances for positioning components. The door frame spreader taught by Lagasse is slidably adjustable and provides an infinite range of spreader distances which are not defined. Austgen's cargo support is not defining a spreader distance for positioning members; it is spanning a fixed distance between fixed members. And the hinged door members of Chen when in use don't extend far enough to define a distance themselves, but instead span a distance.

Neither Lagasse nor Austgen nor Chen teaches a defined or preset spreader distance or a hinged frame spreader and there is no motivation to combine them to make a hinged frame spreader.

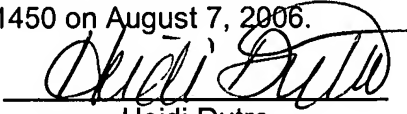
Other new independent and dependent claims describe similar material, and similar arguments apply to those claims. In view of the amendments and remarks above, applicants respectfully request reconsideration of the application and allowance of the pending claims.

Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicants respectfully request that the Examiner issue a Notice of Allowability covering the pending claims. If the

Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

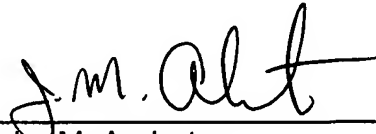
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